

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sydney M. FINEGOLD

Serial No: 10/729,949

Filed: December 9, 2003

For: METHOD OF TREATING DISEASES ASSOCIATED WITH ABNORMAL GASTROINTESTINAL FLORA

GAU: 1651

Confirmation No. 8488

Examiner: Deborah K. Ware



Request For Continued Examination (RCE) Transmittal

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. § 1.114. Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on November 28, 2006
 - ii. ☐ Other: _____
 - b. ☒ Enclosed
 - i. ☐ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☒ Other: Petition for Extension of Time (4 months)
2. Miscellaneous.
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required).
 - b. ☐ Other: _____
3. Fees. The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to:
 - a. ☒ Deposit Account No. 23-2185
 - i. ☐ RCE fee required under 37 C.F.R. 1.17(e)
 - ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
 - iii. ☐ Other: _____
 - b. ☒ Check in the amount of \$ 2,380.00 enclosed.
 - c. ☐ Payment by credit card (Form PTO-2038 enclosed).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Date: May 21, 2007

Respectfully submitted, 5/2/2007 MBERHE 00000018 10729949

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790.00 OP

Charles R. Wolfe, Jr.
Registration No. 28,680